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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,449	12/30/1999	David Johnston LYNCH	RCA-89-8931	6338

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THOMSON LICENSING INC.
PATENT OPERATIONS
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EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,449

Applicant(s)

LYNCH, DAVID JOHSTON

Examiner

KIEU-OANH T. BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16 and 20-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 20-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/25/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/25/05 has been entered.

Remarks

2. Claims 1-15, and 17-19 were previously canceled. Pending claims are 16, and 20-32 for examination.

Response to Arguments

3. Applicant's arguments with respect to claims 16, and 20-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2611

5. Claims 16, and 20-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collings (US Patent 5,828,402) in view of Hancock et al. (US Patent 6,701,523 B1).

Regarding claim 16, Collings discloses at least one viewer profile (store preferences: column 16, lines 19-41 and enter access code: column 16, lines 50-60; figure 5A) establishing a set of limits for blocking selected images from viewing or recording (column 2, line 66-column 3, line 25).

Collings discloses at least one member of the set selected from the group comprising: program ratings, channel, total view-time, time of day (column 17, line 33-column 18, line 19; figures 5C, 5D, 5E, 5F, 5G, 5H, 5I, 6; also see column 16, lines 61-67).

Collings discloses at least one override list 90 (figure 5B) including at least one override instruction applicable to at least one member of the set such that the at least one member is modified while the override instruction is active (column 17, lines 1-32).

Collings discloses at least one previously used override list 90 (figure 5B) including at least one previously used override instruction (SLEEP 1.0) wherein the previously used override instruction (SLEEP 1.0) is able to be recalled (the user is able to remember and reset override to SLEEP 1.0) for use in setting a new override instruction (column 17, lines 1-32).

Collings does not clearly show “at least one previous used override list including at least one previously used override instruction ... able to be recalled for use in setting new override instruction” and including “a memory for storing said at least one previously used override list” as amended; however, Hancock teaches an exact same technique as override instructions for override list (i.e., meaning to modify whether to block and/or unblock a channel, a program at a certain time period due to ratings content or category) can be modified or changed, and the

Art Unit: 2611

override list can be recalled or retrieved or further modification, if needed (Fig. 1/storage, Fig. 4 for user profiles can be retrieved for modification from the master user due to content, see Fig. 7, and restricted time as in Fig. 10, and Fig. 13 for which channel can be included or excluded or restricted times on regular days as in Fig. 16, and Figs. 24A-24B & 25 for controlling the content for Kids; and col. 3/lines 20-30 for memory to store instructions and user defined blocking/unblocking instructions or override instructions, and col. 3/lines 40-55 & col. 5/lines 33-48 for enabling override lists and blocking override lists). Therefore, it would have been obvious to one of ordinary skill in the art to modify Collings' system with Hancock's teaching feature of allowing the (master) user to control the enable and disable of override lists as the user can change or recall the previous override list with additional modification, if needed, whether due to the content, the channel, the time, the date, the category of the broadcasting programs and so on. This technique provides the user a flexible and powerful control over what to be displayed and on what time to a plurality of users defined within the same local television system.

Regarding claim 20, Collings discloses the override list 90 (figure 5B) includes a set of override parameters to be applied to the viewer profile (column 16, line 50-column 17, line 32).

Regarding claim 21, Collings discloses at least one of the override parameters is selected from the group comprising: program ratings, time of day, channel, total view time, scene ratings, spending (figure 5B).

Regarding claim 22, Collings discloses means to display to a viewer a status of the override list (column 17, lines 1-32; figure 5B).

Art Unit: 2611

Regarding claim 23, Collings discloses the menu of overrides and their respective statuses as enabled or disabled (column 17, lines 1-32; figure 5B), which meets the limitation on means to display to a viewer a status of at least one of the override parameters.

Regarding claim 24, which meets the limitation on Collings discloses at least one apparatus 20 selected from the group comprising: television receiver, cable box, VCR tuner (column 3, lines 17-44).

Regarding claims 25-26, the limitations in claims 25-26 have been met in claims 16, 20-24 rejections. Collings discloses a memory 58 for storing at least one override instruction (column 17, line 58-column 18, line 4).

Collings does not clearly show to further include "at least one previous used override list including at least one previously used override instruction ... able to be recalled for use in setting new override instruction" and including "a memory for storing said at least one previously used override list" as amended; however, Hancock teaches an exact same technique as override instructions for override list (i.e., meaning to modify whether to block and/or unblock a channel, a program at a certain time period due to ratings content or category) can be modified or changed, and the override list can be recalled or retrieved or further modification, if needed (Fig. 1/storage, Fig. 4 for user profiles can be retrieved for modification from the master user due to content, see Fig. 7, and restricted time as in Fig. 10, and Fig. 13 for which channel can be included or excluded or restricted times on regular days as in Fig. 16, and Figs. 24A-24B & 25 for controlling the content for Kids; and col. 3/lines 20-30 for memory to store instructions and user defined blocking/unblocking instructions or override instructions, and col. 3/lines 40-55 & col. 5/lines 33-48 for enabling override lists and blocking override lists). Therefore, it would

Art Unit: 2611

have been obvious to one of ordinary skill in the art to modify Collings' system with Hancock's teaching feature of allowing the (master) user to control the enable and disable of override lists as the user can change or recall the previous override list with additional modification, if needed, whether due to the content, the channel, the time, the date, the category of the broadcasting programs and so on. This technique provides the user a flexible and powerful control over what to be displayed and on what time to a plurality of users defined within the same local television system.

Regarding claims 27-29, the limitations in claims 27-29 have been met in claims 16, 20-26 rejections. Collings discloses a supervisor to set blocking (column 16, lines 50-60). Collings discloses a memory 58 for automatically storing at least one override instruction (column 17, line 58-column 18, line 4). See claim 25 above for the teaching of Hancock of concern.

Regarding claim 30 and 31-32, these limitations have been met in claims 16, 20-26 rejections with the teaching of Hancock for storing and recalling from memory the previous used override list for use in setting a new override instruction.

Conclusion

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

Art Unit: 2611

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB
Sept. 15, 2005